

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, October 19, 1914.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, October 19, 1914, at 7:30 o'clock, in regular session, President John F. Connor in the chair.

Present: The Hon. John F. Connor, President of the Common Council, and eight members, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Lee, Graham and Shea.

Mr. Miller moved that the reading of the Journal be dispensed with. Carried.

REPORTS FROM CITY OFFICERS.

From City Controller:

FINANCE DEPARTMENT.
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., October 19, 1914.

To the Honorable, the President and Members of the Common Council:

GENTLEMEN—I submit herewith two letters from the Board of Public Works, one asking for an appropriation of \$6,600 to the Water Fund, and

one for an appropriation of \$2,000 to the Blank Book, Printing and Advertising Fund of the Department of Public Works. I recommend these appropriations and inclose ordinance providing for them.

Respectfully submitted,

J. P. DUNN,
City Controller.

DEPARTMENT OF PUBLIC WORKS
OFFICE OF THE BOARD.

INDIANAPOLIS, IND., October 16, 1914.

Hon. Jacob P. Dunn, City Controller, Indianapolis, Indiana:

DEAR SIR—On account of the large amount of advertising done in connection with improvement resolutions, the fund is nearly exhausted and we estimate that it will require \$2,000 to pay for the advertising and what printing is necessary for the balance of the year.

We, therefore, request that you recommend to the Common Council an ordinance appropriating \$2,000 to the Blank Book, Printing and Advertising Fund.

Yours truly,

J. A. RINK,
GEO. B. GASTON,
Board of Public Works.

DEPARTMENT OF PUBLIC WORKS
OFFICE OF THE BOARD.

INDIANAPOLIS, IND., October 3, 1914.

Hon. J. P. Dunn, City Controller, Indianapolis, Indiana:

DEAR SIR—Owing to the fact that a proper estimate of the water bill for 1914 was not made at the time of the passage of the budget, and also for the reason that an unusually large amount of water mains were laid this year requiring the installation of a large number of fire hydrants, we estimate that the water fund will be short \$6,600 and we request that you recommend an appropriation for that amount.

Yours very truly,

J. A. RINK,
JAS. E. TROY,
GEO. B. GASTON,
Board of Public Works.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS
OFFICE OF THE BOARD.

INDIANAPOLIS, IND., September 19, 1914

Honorable Common Council, City:

GENTLEMEN—We herewith submit to you for your consideration and action thereon ordinances ordering the Board of Public Works to proceed

with the improvement of Kelly Street from Meridian to Bluff Avenue, under Improvement Resolutions Nos. 7552 and 7555, with cement walks and roadway.

Yours truly,
F. J. NOLL, JR.,
Clerk, Board of Public Works.

From Board of Public Works :

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., September 19, 1914.

Honorable Common Council, City:

GENTLEMEN—We herewith submit to you for your consideration and action thereon ordinances granting E. C. Atkins & Company the right to lay and maintain a sidetrack or switch in Henry Street; and to the Cleveland, Cincinnati, Chicago and St. Louis Ry. Co. the right to lay and maintain tracks across Holton Place.

Yours truly,
F. J. NOLL, JR.,
Clerk, Board of Public Works.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance :

INDIANAPOLIS, IND., October 5, 1914.

To the President and Members of the Common Council:

GENTLEMEN—We, your Committee on Finance, to whom was referred General Ordinance No. 48, 1914, entitled "An ordinance authorizing the sale of one hundred (100) bonds of one thousand (\$1,000) dollars each, of the city of Indianapolis, payable from the general revenues and funds of said city, or from the sinking fund of said city, or as may be required by law, for the purpose of procuring money to be used for the purpose of purchasing ground, erecting two engine houses, purchasing apparatus, equipment and supplies and repairing building for the use of the Department of Public Safety, providing for the time and manner of advertising sale of bond and of the receipt of bids for the same, together with the mode and terms of sale and fixing a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration and recommend that the same be passed.

Respectfully submitted,

EDWARD P. BARRY,
EDWARD R. MILLER,
A. D. PORTER,
THOS. LEE.

Mr. Barry moved that the report of the Committee be concurred in.

Mr. Lee moved that action on the report of the Committee be postponed.

Mr. Barry raised the point of order that there was a motion before the Council.

The President decided that a vote be taken on Mr. Barry's motion and ordered the Clerk to call the roll. The motion was lost by the following vote:

Ayes, 4, viz.: Messrs. Barry, Miller, Porter and Shea.

Noes, 5, viz.: Messrs. Young, McGuff, Lee, Graham and President John F. Connor.

Mr. McGuff moved that action on the report of the Committee be indefinitely postponed. The motion was carried by the following vote:

Ayes, 5, viz.: Messrs. Young, McGuff, Lee, Graham and President John F. Connor.

Noes, 4, viz.: Messrs. Barry, Miller, Porter and Shea.

From the Committee on Public Works:

INDIANAPOLIS, IND., October 19, 1914.

To the President and Members of the Common Council, City of Indianapolis, Ind.:

We, your Committee on Public Works, to whom was referred General Ordinance No. 46, 1914, beg to say that we have had same under consideration and recommend that same do pass.

A. D. PORTER,
E. P. BARRY,
FRANK GRAHAM,
THOS. LEE,
EDWARD MCGUFF.

Mr. Porter moved that the report of the Committee be concurred in. Carried.

From the Committee on Law and Judiciary:

INDIANAPOLIS, IND., October 19, 1914.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

GENTLEMEN—We, your Committee on Law and Judiciary, to whom was referred General Ordinance No. 56, 1914, entitled "An ordinance to regulate the running of street and interurban railway cars within the corporate

limits of the city of Indianapolis," beg leave to report that we have had said ordinance under consideration and recommend that the same be passed.

MICHAEL J. SHEA,
EDWARD R. MILLER,
E. P. BARRY,
EDWARD MCGUFF.
W. T. YOUNG.

Mr. Shea moved that the report of the Committee be concurred in. Carried.

From the Committee on City's Welfare:

INDIANAPOLIS, IND., October 19, 1914.

To the President and Members of the Common Council:

GENTLEMEN—We, your Committee on City's Welfare, to whom was referred Special Ordinance No. 6, 1914, entitled "An ordinance annexing certain territory to the city of Indianapolis, and fixing the time when the same shall take effect," beg leave to report that we have had said ordinance under consideration and would recommend that it be amended as follows: That all of that part of Section 1, after the word "to-wit" in the middle of the sixth line of said ordinance as the same is printed on page 335 of the Journal of the Common Council of the city of Indianapolis, Indiana, be stricken out and that the following be substituted in lieu thereof, to-wit:

Beginning at the intersection of the low water-mark of the east or right-hand bank (facing up stream) of White River, with the north line of Section 22, Township 16 north, Range 3 east, such section line being the present corporation line of the city of Indianapolis; thence following

the meanderings of the low water-mark of the right-hand bank of said White River up stream to the point of intersection of said low water-mark with the boundary line of the town of Broad Ripple; thence southeast along the boundary line of said town to the southeast corner of the land owned by Omer B. Boardman in the southeast quarter of Section 36, Township 17 north, Range 3 east; thence in a general northerly direction along the line dividing the lands owned by the said Omer B. Boardman and the Indianapolis Water Company, to a point 660 feet south of the north line of said Section 36, and 597.30 feet east of the center line of the Indianapolis and Westfield free gravel road; thence north 2 degrees 45 minutes east, 192 feet; thence north 88½ degrees east, 451 feet, more or less, to the low water-mark of the west bank of White River; thence south along the meanderings of the low water-mark of the west bank of White River to a point 330 feet north of the south line of the northeast quarter of said Section 36; thence east across White River along the north line projected of the land owned by the Indianapolis Water Company on the east bank of said river and along the north line of said land to the northeast corner thereof, such point being 1,111.5 feet west of the east line of said Section 36; thence south parallel with the east line of said Section 36, 1,005.8 feet; thence east parallel with the south line of Section 36, 451 feet, to a point 660.5 feet west of the east line of Section 36; thence south parallel with the east line of Section 36 to a point 8.65 chains north of the south line of said Section 36; thence west parallel with the south line of said Section, 8.64 chains; thence south parallel with the east line of such section, 8.65 chains to the south line of said Section 36; thence west following the south line of Section 36 to the east line of the right of way of the Chicago, Indianapolis and Louisville (Monon) Railway Company; thence south along the east line of said right of way to the north line of the street or highway known as Forty-sixth street, which street is on the line dividing Sections 18 and 7, Township 16 north, Range 4 east; thence east along the north line of said Forty-sixth Street to its intersection with the east line of the Fall Creek and White River gravel road, also known as Keystone Avenue; thence south along the east line of said road or avenue to its intersection with the present boundary line of the city of Indianapolis in the center line of Thirty-fourth Street, formerly Howland Avenue; thence following said corporation line west along the center line of Thirty-fourth Street projected to the east bank of Fall Creek; thence in a southerly direction following the meanderings of the east bank of Fall Creek to a point where said bank intersects the center line of Thirtieth Street; thence west along the center line of Thirtieth Street to the center line of Fall Creek; thence north and northeast with the meanderings of the center line of Fall Creek to the north line of Section 19, Township 16 north, Range 4 east; thence west on said line to the center of the Allisonville free gravel road; thence northeast with the center line to a point which would be 250 feet north of the north line of Section 19, Township 16 north, Range 4 east, and at right angles thereto; thence west parallel with and 250 feet north of the north line of said Section 19 to the east line of the right of way of the Chicago, Indianapolis and Louisville (Monon) Railway Company; thence north with said east line to a point that would be the center line of Fortieth street extended east; thence west with the said line and center line of Fortieth Street to the center line of the right of way of the Chicago, Indianapolis and Louisville (Monon) Railway Company; thence north with said center line to the center line of the highway or street known as Forty-sixth Street; thence following the present boundary line of the city of Indianapolis, west, north, west, south,

west, north, west, south, west, southwest, west, south, southeast, west, southeast, west, north, west to the place of beginning.
and when so amended that said ordinance be passed.

Respectfully submitted,

W. T. YOUNG,
EDWARD MCGUFF,
A. D. PORTER.

Mr. Young moved that the report of the Committee be concurred in.

Mr. Shea called for the ayes and noes. The motion was carried by the following vote:

Ayes, 6, viz.: Messrs. Young, McGuff, Porter, Lee, Graham and President John F. Connor.

Noes, 3, viz.: Messrs. Barry, Miller and Shea.

INTRODUCTION OF APPROPRIATION ORDINANCES.

By City Controller:

Appropriation Ordinance No. 34, 1914: An ordinance appropriating \$6,600 to the Water Fund and \$2,000 to the Blank Book, Printing and Advertising Fund of the Department of Public Works, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the city of Indianapolis, Indiana, that there be and hereby is appropriated to the Department of Public Works the sum of \$6,600 for the "Water" Fund, and the sum of \$2,000 for the "Blank Book, Printing and Advertising" Fund.

SECTION 2. This ordinance shall take effect and be in force from and after its passage.

Which was read a first time and referred to the Committee on Finance.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Mr. Barry:

General Ordinance No. 61, 1914: An ordinance amending clause B of section 5 of an ordinance entitled "Regulating of Street Traffic in the City of Indianapolis," and repealing all ordinances in conflict therewith, being General Ordinance No. 30, 1914, approved Monday, July 1, 1914.

Amendment:

1. Be it ordained by the Common Council of the city of Indianapolis, Indiana, that clause B of section 7, of an ordinance entitled "An Ordinance Regulating Street Traffic in the City of Indianapolis, Indiana," and repealing all ordinances in conflict therewith, being General Ordinance No. 30, 1914, approved June 1, 1914, be and the same is hereby amended to read as follows:

STREET CARS.

Clause B. Street cars when stopping at the intersection of streets shall stop on the near side of the street except where signs note exceptions and except at the intersection of Pennsylvania and Washington Streets and Virginia Avenue, Washington and Illinois Streets and Illinois and Maryland Streets, and Pennsylvania and Ohio Streets and Massachusetts Avenue, at which points street cars shall be compelled to stop to let on and off passengers at both the near and the far sides of the street.

2. This ordinance shall be in full force and effect on and after its passage.

Which was read a first time and referred to the Committee on Public Safety.

By the Board of Public Works:

General Ordinance No. 58, 1914: An ordinance ordering the Board of Public Works of the city of Indianapolis, Indiana, to improve Kelly Street from Meridian Street to Bluff Avenue with cement walks, under Improvement Resolution No. 7552, adopted September 16, 1914.

WHEREAS, The Board of Public Works of the city of Indianapolis, Indiana, did on the 16th day of September, 1914, adopt Improvement Reso-

lution No. 7552 for the improvement of Kelly Street from Meridian Street to Bluff Avenue, under Improvement Resolution No. 7552, with cement walks;

WHEREAS, The Board of Public Works did at the same time fix October 9, 1914, at 10 o'clock A. M., as the time to hear all persons interested or whose property is affected by said proposed improvement; and the notice of the passage of said resolution and of the said time for hearing was published on the 21st and 28th days of September, 1914, in the Indianapolis Commercial, a daily newspaper of general circulation, printed and published in the city of Indianapolis, and notices by mail duly forwarded as provided by law; and

WHEREAS, On the 9th day of October, 1914, the board having met in regular session took final action on said improvement resolution, confirming same without modification; and

WHEREAS, Written remonstrance having been filed with the Board of Public Works against the said improvement; and

WHEREAS, The Board of Public Works has submitted to the Common Council, for their consideration and action thereon, an ordinance ordering the Board of Public Works to proceed with the improvement of said street under said resolution; now, therefore:

SECTION 1. Be it ordained by the Common Council of the city of Indianapolis, Indiana, that the Board of Public Works, of the city of Indianapolis, be and are hereby ordered to improve Kelly Street from Meridian Street to Bluff Avenue with cement walks, as provided for under Improvement Resolution No. 7552, adopted by the Board of Public Works September 16, 1914.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

Which was read a first time and referred to the Committee on Public Works.

By the Board of Public Works:

SWITCH CONTRACT

General Ordinance No. 59, 1914: An ordinance approving a certain contract granting The Cleveland, Cincinnati, Chicago & St. Louis Railway Company the right to lay and maintain two tracks or switches across Holton Place, according to blue print attached, in the city of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: On the 5th day of October, 1914, The Cleveland, Cincinnati, Chicago & St. Louis Railway Company filed its petition before the Board of Public Works of the city of Indianapolis, as follows:

PETITION.

To the Board of Public Works, City of Indianapolis:

GENTLEMEN—The Cleveland, Cincinnati, Chicago & St. Louis Railway Company hereby petition your honorable board for the right to lay and use two additional tracks across Holton Place as shown on the plat hereto attached. Said tracks are to be used for commercial purposes only.

CLEVELAND, CINCINNATI, CHICAGO & ST. LOUIS
RAILWAY COMPANY,

By C. R. MYERS,
General Agent.

NOW, THEREFORE, This agreement, made and entered into this 16th day of October, 1914, by and between The Cleveland, Cincinnati, Chicago & St. Louis Railway Company, of the city of Indianapolis, county of Marion, state of Indiana, party of the first part, and the city of Indianapolis, by and through its Board of Public Works, party of the second part.

WITNESSETH, That the party of the first part, being desirous of securing a right of way for two sidetracks or switches across Holton Place east of Missouri Street in the city of Indianapolis.

The proposed location of two railroad switches across Holton Place is more particularly described as follows:

EAST SWITCH.

Beginning at a point in the intersection of the south line of Holton Place with the center line of the proposed east switch, said point being 120 feet east of the east line of Missouri street; thence north in a straight line to a point in the north line of Holton Place, said point being 112 feet east of the east line of Missouri street extended north.

WEST SWITCH.

Beginning at a point in the intersection of the south line of Holton Place with the center line of the proposed west switch, said point being 112 feet east of the east line of Missouri Street, thence north in a straight line to a point in the north line of Holton Place, said point being 98 feet east of the east line of Missouri Street extended north.

hereby covenants and fully binds himself, his successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, he will lay, construct and maintain said track upon the terms and conditions hereinafter set forth, to-wit:

(1) They shall be so laid, improved and kept in repair as to be safe for persons on foot, in vehicles or otherwise, and shall, at all times, be subject to the orders of the Board of Public Works of the city of Indianapolis.

(2) Said track and switch shall be laid upon such grade as shall be established by said board, and shall be put down under its supervision and to its satisfaction and approval. Said track shall be raised or lowered to conform to any grade which may, from time to time, be hereafter established, whenever so ordered, in writing, by said board, and shall be made

to conform in all respects with any ordinance passed by the Common Council or with any resolution or resolutions made by said board, for the elevation or depression of said tracks.

(3) The crossing where said tracks intersect, Holton Place, shall, at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

(4) Said party of the first part agrees, upon the written order of said board, made for any good cause affecting the interest of the city or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said board shall in no wise become a trespasser.

(5) The party of the first part agrees to pave between said track to the entire satisfaction of the second party, and in case said tracks shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which fact the said board shall be the exclusive judge), it shall be the duty of the said party of the first part to promptly repair or remove same, failing in which, after notification in writing of ten (10) days, said board shall do or cause the same to be done at the expense of the said party of the first part, and for which expense and cost the said party of the first part shall be liable.

(6) The said party of the first part herein binds himself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance or use of said track, and to pay any judgment, with costs, that may on that account be rendered against the said party or said city, and also to pay all necessary expenses that may be incurred by said city in defending against any such claims.

(7) Any violations of any of the provisions of this instrument by said party of the first part, or by any one for it or at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this contract, provided, however, that the same may be terminated by said board, as hereinbefore set forth.

Said party of the second part by virtue of the provisions of an act of the General Assembly of the state of Indiana, entitled "An act concerning municipal corporations," approved March 6, 1905, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional side-track or switch across in the city of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

IN WITNESS WHEREOF, We have hereunto set our hands this 16th day of October, 1914.

CLEVELAND, CINCINNATI, CHICAGO & ST. LOUIS
RAILWAY COMPANY.

By C. R. MYERS,
General Agent.
Party of the First Part.

Witness :

CITY OF INDIANAPOLIS,

By J. A. RINK,
President.

GEO. B. GASTON,
Board of Public Works.
Party of the Second Part.

AND WHEREAS, Said contract has been submitted by the Board of Public Works to the Common Council of the city of Indianapolis, for its consideration and action ; now, therefore,

SECTION 1. Be it ordained by the Common Council of the city of Indianapolis, Indiana, that such contract above set forth be, and the same is hereby in all things confirmed and approved.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

Which was read a first time and referred to the Committee on Public Safety.

By the Board of Public Works :

SWITCH CONTRACT

General Ordinance No. 60, 1914: An ordinance approving a certain contract granting E. C. Atkins & Company the right to lay and maintain a sidetrack or switch from, on, over and along Henry Street, beginning at a point in the south property line of Henry Street, 178 feet west of the property line of Illinois Street to the west property line of Illinois Street where the same intersects and crosses Henry Street, all as more fully set out and described in the within petition and according to blue print attached, in the city of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: On the 2nd day of October, 1914, E. C. Atkins & Company, by H. C. Atkins, its president, and Merritt A. Potter, its secretary, filed its petition before the Board of Public Works of the city of Indianapolis, as follows :

PETITION.

To the Board of Public Works, City of Indianapolis:

GENTLEMEN—We petition your Honorable Board to grant us the right, power and privilege to lay, construct and maintain a sidetrack or switch on, over and along Henry Street, more fully described and set out as follows : Beginning at a point in the south property line of Henry Street, 178 feet west of the west property line of Illinois Street, where said prop-

erty line on said Illinois Street crosses and intersects the south property line of Henry Street, then in a northeasterly direction on a curved line of 25 degrees to a point 73 feet west of the west property line of Illinois Street; then east on said Henry Street, 73 feet to the west property line of said Illinois Street. The north track at said above point being 6 feet and 6 inches south of the north property line of Henry Street.

Now, THEREFORE, This agreement, made and entered into this 7th day of October, 1914, by and between E. C. Atkins & Company; by and through H. C. Atkins, its president, and Merritt A. Potter, its secretary, of the city of Indianapolis, county of Marion, state of Indiana, party of the first part, and the city of Indianapolis, by and through its Board of Public Works, party of the second part.

WITNESSETH, That the party of the first part, being desirous of securing a right of way for a sidetrack or switch from, on, over and along Henry Street, beginning at a point in the south property line of Henry Street, 178 feet west of the west property line of Illinois Street to the west property line of Illinois Street where the same crosses and intersects Henry Street, all as more fully described and set out in the within petition, in the city of Indianapolis, which is more specifically described as follows: Beginning at a point in the south property line of Henry Street, 178 feet west of the west property line of Illinois Street, where said property line of said Illinois Street crosses and intersects the south property line of Henry Street, then in a northeasterly direction on a curved line of 25 degrees to a point 73 feet west of the west property line of Illinois Street, then east on said Henry Street 73 feet to the west property line of said Illinois Street. The north rail at said above point being 6 feet and 6 inches south of the north property line of Henry Street.

hereby covenants and fully binds itself, its successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, it will lay, construct and maintain said track upon the terms and conditions hereinafter set forth, to-wit:

(1) They shall be so laid, improved and kept in repair as to be safe for persons on foot, in vehicles or otherwise, and shall, at all times, be subject to the orders of the Board of Public Works of the city of Indianapolis.

(2) Said track and switch shall be laid upon such grade as shall be established by said board, and shall be put down under its supervision and to its satisfaction and approval. Said track shall be raised or lowered to conform to any grade which may, from time to time, be hereafter established, whenever so ordered, in writing, by said board, and shall be made to conform in all respects with any ordinance passed by the Common Council or with any resolution or resolutions made by said board, for the elevation or depression of said tracks.

(3) The crossing where said track intersects..... shall, at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

(4) Said party of the first part agrees, upon the written order of said board, made for any good cause affecting the interest of the city or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first

part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said board shall in no wise become a trespasser.

(5) The party of the first part agrees to pave between said track to the entire satisfaction of the second party, and in case said tracks shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which fact the said board shall be the exclusive judge), it shall be the duty of the said party of the first part to promptly repair or remove same, failing in which, after notification in writing of ten (10) days, said board shall do or cause the same to be done at the expense of the said party of the first part, and for which expense and cost the said party of the first part shall be liable.

(6) The said party of the first part herein binds himself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance or use of said track, and to pay any judgment, with costs, that may on that account be rendered against the said party or said city, and also to pay all necessary expenses that may be incurred by said city in defending against any such claims.

(7) Any violations of any of the provisions of this instrument by said party of the first part, or by any one for it or at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this contract, provided, however, that the same may be terminated by said board, as hereinbefore set forth.

Said party of the second part by virtue of the provisions of an act of the General Assembly of the state of Indiana, entitled "An act concerning municipal corporations," approved March 6, 1905, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional side-track or switch across in the city of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

IN WITNESS WHEREOF, We have hereunto set our hands this 7th day of October, 1914.

E. C. ATKINS & COMPANY,

Party of the First Part.

H. C. ATKINS,

President.

Attest:

M. A. POTTER,

Secretary.

CITY OF INDIANAPOLIS,

By J. A. RINK,

President.

JAS. E. TROY,

GEO. B. GASTON,

Board of Public Works.

Party of the Second Part.

AND WHEREAS, Said contract has been submitted by the Board of Public Works to the Common Council of the city of Indianapolis, for its consideration and action; now, therefore,

SECTION 1. Be it ordained by the Common Council of the city of Indianapolis, Indiana, that such contract above set forth be, and the same is hereby in all things confirmed and approved.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

Which was read a first time and referred to the Committee on Public Works.

By Mr. Porter :

Special Ordinance No. 7, 1914: An ordinance to change the name of the street now known as Holton Place, between Boulevard Place and the Central Canal to Seventeenth Street.

WHEREAS, That street now known as Holton Place, running from the west side of Boulevard Place westward to the Central Canal, is on a direct line with Seventeenth Street east and west.

SECTION 1. Therefore, be it ordained by the Common Council of the city of Indianapolis that the name of the street now known as Holton Place, running from the west side of Boulevard Place westward to the Central Canal, be changed to Seventeenth Street.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

Which was read a first time and referred to the Committee on City's Welfare.

By Mr. Porter :

Special Ordinance No. 8, 1914: An ordinance to change the name of the first street north of Sixteenth Street, running from Boulevard Place westward to its terminus east of Fall Creek, to Sixteenth Place.

SECTION 1. Be it ordained by the Common Council, of the city of Indianapolis, that the street running parallel with and next north of Sixteenth Street from the west line of Boulevard Place westward to its terminus east of Fall Creek, and now known as Seventeenth Street, be changed to Sixteenth Place.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

Which was read a first time and referred to the Committee on City's Welfare.

ORDINANCES ON SECOND READING.

Mr. Porter called for General Ordinance No. 46, 1914, for second reading. It was read a second time.

Mr. Porter moved that General Ordinance No. 46, 1914, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 46, 1914, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Barry, Young, Miller, McGuff, Porter, Lee, Graham, Shea and President John F. Connor.

Mr. Young called for Special Ordinance No. 6, 1914, for second reading. It was read a second time.

Mr. Young moved that Special Ordinance No. 6, 1914, be amended as recommended by the committee. Carried.

Mr. Young moved that Special Ordinance No. 6, 1914, be ordered engrossed, as amended, read a third time and placed upon its passage. Carried.

Special Ordinance No. 6, 1914, was read a third time and passed by the following vote:

Ayes, 6, viz.: Messrs. Young, McGuff, Porter, Lee, Graham and President John F. Connor.

Noes, 3, viz.: Messrs. Barry, Miller and Shea.

Mr. Shea called for General Ordinance No. 56, 1914, for second reading. It was read a second time.

Mr. Shea moved that General Ordinance No. 56, 1914, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 56, 1914, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Barry, Young, Miller, McGuff, Porter, Lee, Graham, Shea and President John F. Connor.

In compliance with Resolution No. 6, 1914, President Connor appointed Messrs. Lee, Porter and McGuff on the Track Elevation Committee.

On motion of Mr. Porter, the Common Council, at 8:35 o'clock P. M., adjourned.

John F. Connor
.....
President.

ATTEST:

Thomas A. Riley
.....
City Clerk.

